

CONTRACTOR who has failed to comply with any provision of this section, that person OR CONTRACTOR shall be deemed negligent and shall be liable to the owner of the underground facility for the total cost of the repair.}

~~(F) A PERSON OR CONTRACTOR MAY NOT BEGIN EXCAVATION PRIOR TO THE MARKING REQUIRED BY THIS SECTION OR NOTIFICATION BY EACH AND EVERY OWNER, OR BY THE ONE CALL SYSTEM, THAT MARKING IS UNNECESSARY.~~

(g) (I) Any person OR CONTRACTOR who excavates without first [notifying the appropriate public service companies and obtaining information concerning the location of underground facilities, as required by this section] GIVING THE NOTICE REQUIRED IN SUBSECTION (D) (E) OF THIS SECTION, and who damages, dislocates or disturbs [those] AN underground [facilities] FACILITY, shall be {deemed negligent and shall be} subject to a civil penalty {up to} ~~OF NOT MORE THAN~~ \$1,000 for the first offense and \$1,000 for each subsequent offense{, or ten times the cost of repairing the damage to the underground facility}. Actions to recover the civil penalties provided for in this section shall be brought either by the [public service company] OWNER whose underground facilities were damaged{~~OWNER~~ or by the Attorney General in the name of the people in this State, in a court of competent jurisdiction in Baltimore City or the county in which the damage occurred. All penalties recovered from such action, including reasonable attorney's fees, shall be paid into the General Fund of the State Treasury.

(h) (J) If any person OR CONTRACTOR is engaging in excavation in a negligent or unsafe manner which has resulted in or is likely to result in damage to an underground facility or if any person OR CONTRACTOR is proposing to use procedures for excavation which are likely to result in damage to an underground facility, the owner of such facility or the Attorney General may commence an action in a court of competent jurisdiction in Baltimore City or the county in which the excavation is occurring or is to occur, or in which the person OR CONTRACTOR complained of has his or its principal place of business or resides, for the purpose of having such negligent or unsafe excavation stopped and prevented, either by mandamus or injunction. The court may join as parties any persons necessary or proper to make its judgment or processes effective and shall make a final order, granting such relief, if appropriate.

[(i) The provisions of this section, with the exception of subsection (f), shall not apply when making an excavation at times of emergency involving danger to life, health or property, provided all reasonable precautions have been taken to protect the underground facilities.]

(H) (K) (1) AFTER AN OWNER HAS MARKED ITS UNDERGROUND FACILITY IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, THE PERSON OR CONTRACTOR IS SOLELY RESPONSIBLE FOR THE MAINTENANCE OF A DESIGNATED MARKER.

(2) IF A MARKING MARKER IS OBLITERATED, DESTROYED, OR REMOVED, THE OWNER SHALL REMARK THE LOCATION OF ITS FACILITY